

**AMENDMENT TO SHELBY COUNTY 2010 DISASTER
RECOVERY ACTION PLAN**

**Utilizing Supplemental Community Development Block Grant Disaster
Recovery Funding from the Supplemental Appropriations Act (Public
Law 111-212), 2010**

Through the U.S. Department of Housing and Urban Development

Docket No. FR-542-N-01

[Federal Register: November 10, 2010 (Volume 75, Number 217)]

SUBMITTED BY:

Shelby County, Tennessee

Department of Housing

1075 Mullins Station Road

Memphis, TN 38134

(901) 379-7100

MARK H. LUTTRELL, JR., MAYOR

JIM VAZQUEZ, DEPARTMENT ADMINISTRATOR



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Application for Federal Assistance SF-424		Version 02
*1. Type of Submission: <input type="checkbox"/> Preapplication <input type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision	
3. Date Received: _____ 4. Applicant Identifier: _____		
5a. Federal Entity Identifier: _____		*5b. Federal Award Identifier: _____
State Use Only: _____		
6. Date Received by State: _____		7. State Application Identifier: _____
8. APPLICANT INFORMATION:		
*a. Legal Name: Shelby County Government		
*b. Employer/Taxpayer Identification Number (EIN/TIN): 62-000841		*c. Organizational DUNS: 4117889
d. Address:		
*Street 1: <u>1075 Mullins Station Road</u> Street 2: _____ *City: <u>Memphis</u> County: <u>Shelby</u> *State: <u>Tennessee</u> Province: _____ *Country: <u>USA</u> *Zip / Postal Code <u>38104</u>		
e. Organizational Unit:		
Department Name: Housing		Division Name: Planning & Development
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <u>Mr.</u> *First Name: <u>Jim</u> Middle Name: <u>C.</u> *Last Name: <u>Vazquez</u> Suffix: _____		
Title: Administrator		
Organizational Affiliation: _____		
*Telephone Number: (901) 379-7100		Fax Number: (901) 379-7129
*Email: jim.vazquez@shelbycountyn.gov		

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Application for Federal Assistance SF-424	Version 02
<p>*9. Type of Applicant 1: Select Applicant Type: B.County Government</p> <p>Type of Applicant 2: Select Applicant Type:</p> <p>Type of Applicant 3: Select Applicant Type:</p> <p>*Other (Specify)</p>	
<p>*10 Name of Federal Agency: Department of Housing & Urban Development</p>	
<p>11. Catalog of Federal Domestic Assistance Number: 14.218</p> <p>CFDA Title: CDBG/ Entitlement Grants</p>	
<p>*12 Funding Opportunity Number: 14.218</p> <p>*Title: CDBG/ Entitlement Grants</p>	
<p>13. Competition Identification Number: _____</p> <p>Title: CDBG Disaster Recovery Program</p>	
<p>14. Areas Affected by Project (Cities, Counties, States, etc.): Unincorporated Shelby County and Municipalities of Arlington and Millingt in Shelby County, Tennessee</p>	
<p>*15. Descriptive Title of Applicant's Project: 2010 Storm and Flood Disaster Recovery</p>	

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Application for Federal Assistance SF-424		Version 02
16. Congressional Districts Of:		
*a. Applicant: 7, 8, & 9		*b. Program/Project: 7 & 8
17. Proposed Project:		
*a. Start Date: July 1, 2011		*b. End Date: June 30, 2014
18. Estimated Funding (\$):		
*a. Federal	\$2,526,642.00	
*b. Applicant	0.00	
*c. State	0.00	
*d. Local	0.00	
*e. Other	0.00	
*f. Program Income	0.00	
*g. TOTAL	\$2,526,642.00	
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on ____		
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.		
<input checked="" type="checkbox"/> c. Program is not covered by E. O. 12372		
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)		
<input checked="" type="checkbox"/> ** I AGREE		
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions		
Authorized Representative:		
Prefix: <u>Mr.</u>	*First Name: <u>Mark</u>	
Middle Name: <u>H.</u>		
*Last Name: <u>Luttrell</u>		
Suffix: <u>Jr.</u>		
*Title: Mayor of Shelby County, Tennessee		
*Telephone Number: (901) 545-4500		Fax Number: (901) 545-4759
* Email: mark.luttrell@shelbycountytn.gov		
*Signature of Authorized Representative:		*Date Signed: 4/1/2010

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Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

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Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.
Applicant organization is not delinquent of any Federal Debt.

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Executive Summary

Shelby County was required to publish an Action Plan for Disaster Recovery (Action Plan) that describes the proposed use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2010 (Public Law 111-212, approved November 10, 2010) for disaster relief of unmet needs resulting from severe storms and flooding that impacted Shelby County from April 30, 2010 and continuing thereafter as described in the Disaster Summary for FEMA-1909-DR, Tennessee published on May 4, 2010.

In January of 2011, Shelby County Department of Housing submitted an Action Plan to HUD to be used by the County to guide the distribution of \$1,212,788.00 in CDBG Disaster Recovery Funding which is to be utilized for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas impacted by storms resulting in a declaration of a major disaster. That distribution of funds was based on a HUD calculation for unmet needs for housing, business, and infrastructure recovery based on data provided by the Federal Emergency Management Agency and the Small Business Administration. Since the submission of that Action Plan to HUD, Shelby County has received notice of an additional allocation in the amount of \$2,526,642.00. This Amendment to the Action Plan for Disaster Recovery will be used by the County to guide the distribution of the additional \$2,526,642.00 in additional CDBG Disaster Recovery Funding which is also to be utilized for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas impacted by storms resulting in a declaration of major disaster.

A draft of this Amendment to the Action Plan is being made available for public review on Shelby County's website from March 23, 2011 through March 29, 2011 in accordance with HUD requirements for citizen participation.

This Action Plan Amendment has been prepared in response to HUD's Notice of Funding Availability published in the Federal Register/Volume 75, Number 217, Docket. No. FR-542-N-01.

The flooding events that resulted from the storms beginning April 30, 2010 caused substantial damage in various parts of Shelby County, including parts of Arlington, Millington, Lakeland, and unincorporated portions of Shelby County. In consultation with local representatives and public officials from the affected areas, it was determined that the greatest remaining needs in the disaster area are primarily related to infrastructure improvements which will mitigate similar flooding problems in the future and replacement of a fire pumper lost during the floods. Although numerous homes were impacted, some quite substantially, as a result of the flooding, the impacted residents were generally fortunate to benefit from a quick and effective emergency response from the Federal Emergency Management Agency (FEMA) and various volunteer groups of individuals which, through coordinated efforts, allowed residents to repair their homes and re-settle in a timely manner. However, Shelby County anticipates that there may still be some homeowners experiencing

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the need for direct assistance who have not fully recovered from the May 2010 disaster. The potential need for further assistance is addressed in this amendment.

Table 1 below describes how Shelby County proposes to budget this CDBG Disaster Recovery Funding.

**Table 1.
Summary of Proposed
2010 Disaster Recovery Funds Expenditures**

TOTAL AVAILABLE FUNDS	\$2,526,642.00
Project Name	Total Funds
Owner-Occupied Housing Rehabilitation & Repair	\$1,100,000.00
Reimbursement for Disaster Clearance Costs	\$300,000.00
Infrastructure Restoration and Improvement Pool	\$1,000,321.00
Administration	\$ 126,321.00
TOTAL PROPOSED BUDGET	\$2,526,642.00

Shelby County has identified three high priority Disaster Plan Goals in this Amendment to the Disaster Recovery Action Plan. These Goals are:

- A. Rehabilitation and repair of owner-occupied low- and moderate-income housing damaged as a result of the disaster,
- B. Reimbursement to local for clearance costs incurred as a result of the disaster, and
- C. Restoration and improvement of infrastructure in areas affected by the disaster.

The following describes the high priority activities identified by local staff and/or elected officials of Shelby County, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington, Tennessee and through public notification and review of this amendment. As a result of this input the following activities have been identified as activities for disaster recovery funding in response to the goals identified immediately above.

Activity 1. Owner-Occupied Housing Rehabilitation and Repair

- (1) Disaster Plan Goal: Rehabilitation and repair of owner-occupied low- and moderate-income housing damaged as a result of the disaster
- (2) Objective: Provide Decent Housing
- (3) Outcome: Affordability
- (4) Disaster Plan Priority: Rehabilitation, Single-unit Residential (570.202(a))
- (5) Budgeted Amount: \$1,100,000.00
- (6) Proposed accomplishment: Repair and rehabilitation of 66 single-family units damaged by the disaster
- (7) Location: Shelby County, primarily in and around the Town of Millington

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- (8) CDBG National Objective: Activities benefiting low- and moderate-income persons (570.208(a)(1))

Activity 2. Reimbursement to local governments for un-reimbursed debris clearance expenses related to the 2010 Disaster.

- (1) Disaster Plan Goal: Reimbursement of clearance costs and debris removal incurred as a result of the disaster.
- (2) Objective: Suitable Living Environment
- (3) Outcome: Sustainability
- (4) Disaster Plan Priority: Clearance Activities (570.201(d))
- (5) Budgeted Amount: \$300,000.00
- (6) Proposed accomplishment: Reimbursement for debris removal costs, including program delivery costs which were a part and parcel of disaster relief efforts.
- (7) Location: Shelby County
- (8) CDBG National Objective: Activities benefiting low- and moderate-income persons (570.208(a)(1))

Activity 3. Infrastructure Restoration and Improvement Pool

- (1) Disaster Plan Goal: Restoration and improvement of infrastructure in areas affected by the disaster
- (2) Objective: Suitable living environment
- (3) Outcome: Sustainability
- (4) Disaster Plan Priority: Flood Drain Improvements (570.201(c)) and other eligible activities
- (5) Budgeted Amount: \$1,000,321.00
- (6) Proposed accomplishment: Restoration of infrastructure damaged as a result of the disaster and/or prevention of future flooding through mitigation with the design and construction of flood relief improvements directly related to the 2010 Disaster Declaration.
- (7) Location: Areas of Shelby County affected by the flood
- (8) CDBG National Objective: Activities benefiting low- and moderate-income persons (570.208(a)(1))d

Activity 4. Administration

- (1) Disaster Plan Goal: Not applicable
- (2) Objective: Not applicable
- (3) Outcome: Not applicable
- (4) Disaster Plan Priority: Program Administration (570.206)
- (5) Budgeted Amount: \$126,321.00
- (6) Proposed accomplishment: Not applicable

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Disaster Declaration and Shelby County's Recovery Needs

Congress passed the Supplemental Appropriations Act, 2010 (Public Law 111-212, November 10, 2010), which appropriated \$50,000,000.00 in CDBG funds related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters. Shelby County, Tennessee had initially been allocated \$1,212,788.00 of the CDBG funds for recovery from the impacts of the severe storms and flooding, and was subsequently awarded an additional \$2,526,642.00. This Amendment to the CDBG Disaster Recovery Plan covers the additional amount of \$2,526,642.00.

Beginning April 30, 2010 and moving into May 1, 2010, a weather system producing severe storms and flooding, straight-line winds, and tornadoes brought disaster to numerous counties in Tennessee and the Mid-South. Shelby County was among the counties severely impacted by this event. In response, a Presidential Disaster Area Declaration was issued on May 4, 2010.

While these storms impacted areas throughout Shelby County, major damage especially occurred in the northern portions of Shelby County in areas where drainage systems were not able to carry/convey the sheer volume of water produced by the storm front.

During the storm, and the subsequent flooding, Shelby County and its municipal partners mobilized efforts to prevent individuals from driving into flooded roadways, evacuate individuals from areas affected by the rapidly rising water, and provide shelter to individuals who had to leave their homes.

Spurred by the widespread storm situation, the Shelby County Office of Preparedness which included Homeland Security (HLS) and EMA, under the direction of Bob Nations, Jr., immediately activated the Emergency Operations Center (EOC) on Saturday, May 1, 2010 after a night of advisories, watches and warnings for flash flooding, thunderstorms and tornadoes. In direct response to the disaster, City and county officials and staff gathered at the EOC to share information about the storm situation, assess the damage and move into a response mode to address the situation. Widespread flash flooding had occurred throughout Shelby County and one of the hardest hit portions of Shelby County was in the City of Millington.

Responders from the Shelby County Sheriff's Office, police and fire departments and all municipalities rallied to prioritize the hundreds of calls resulting from the floods and severe weather. Local SWAT and rescue groups were also brought in to assist with the heavy call loads for help, assistance and information coming in from across the County.

The following is a small sampling of incidents that were occurring across Shelby County as a result of the storm front that moved into the area and ultimately resulted in the disaster declaration:

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- (1) Reported Road Closures included: West Street; Old Brownsville; Billy Mayer Road; Ellendale; Highway 51 (from the Millington City Limits to Tipton County line); Yates; Fisk Road; Ranier Creek Road (where the bridge was underwater); Arlington, Millington, Brunswick Roads (which were all completely under water); and New Allen Road (which was flooding and had a sink hole develop as a result of the storms).
- (2) All regional hospitals were "on watch" for the severe weather and related emergencies which might develop.
- (3) Evacuations that were occurring across Shelby County included: the Millington Minimum Federal Prison which was flooded and prisoners were being transported to another undisclosed site; a bed-ridden patient was evacuated from a home at 3645 Truey; the Bartlett Police Department reporting that at least 40 homes were being evacuated due to the flooding; the mobile home community at 3859 Vagabon had to be evacuated along with 500 citizens who were moved to shelter at a nearby church; the Prince of Peace Church MB located at 4238 New Allen Road which was evacuated (up until its evacuation it was serving as a shelter); the Mid-South Health and Rehab Center being evacuated with its 146 patients moved to a nearby church temporarily; and 10 patients who were on ventilators in their homes were transported to hospital facilities.
- (4) In the City of Millington the levee on the south side of the Naval Base was overtopped and all homes on the base had been flooded resulting in 2,000 citizens being evacuated from the base. The remaining part of the levee was at capacity and posing further danger to residents in areas protected by the levee. Eight boats in addition to those already assisting with evacuations in the area had been requested.
- (5) Discussions were underway to determine how many shelters would need to be opened and where the safest place to open them would be in light of the situation. Where possible flooding victims were being moved to shelters close to their homes and the Red Cross was in action readying five shelters for victims of the floods.

The flooding in Shelby County occurred so swiftly that it elicited the following comment from the Red Cross as the agency worked with local leaders and agencies to address its effects in the aftermath of the of disaster: "The floods here in the Mid-South haven't gotten the national coverage that many of the latest natural disasters have, which is why the Red Cross is asking Memphians to open their hearts and their wallets to help their neighbors. This is Memphis' Katrina. It's a little one but almost a 7 million dollar little one," said Cynthia Pierce-McNamara with the Red Cross.

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As described, the damage associated with the flooding in Shelby County occurred mainly in portions of the northern and northeastern parts of the County particularly those in portions of the City of Millington, the Town of Arlington, and parts of Unincorporated Shelby County. Initial damage assessments carried out by Shelby County Code Enforcement in conjunction with the local Office of Preparedness and TEMA on May 3, 2010 indicated that damage estimates immediately following the disaster approached \$31 million locally. In the City of Millington, the Public Works facility completely flooded as a result of these storms and in answering calls for assistance Shelby County Fire Station 69 in north Shelby County lost a fire pumper while responding to calls for assistance. Direct unanticipated expenses/costs born by Shelby County Government and the City of Millington totaled approximately \$2.1 million.

Post Disaster Recovery Efforts

In the wake of the disaster, Shelby County and other local governments and agencies immediately began their mission of coordinating efforts to assist residents with recovery efforts in the community by working with FEMA, TEMA, the SBA, local governments, the Red Cross and others volunteer organizations at the local level.

As part of the recovery process, numerous outreach efforts have been made to assist residents impacted by the event in addressing their losses from the disaster. Emotional counseling centers were created to assist with emotional and anxiety issues affected residents were dealing with in the aftermath of the storms. Web pages were created to provide residents with information on where to go for assistance, and temporary client intake sites were established to make residents aware of available assistance in coping with the impact of the flood and securing financial assistance to assist residents with the financial burden caused by the flood.

Public meetings were held in Millington and Bartlett to assist residents with the application process for loans from FEMA and the SBA and to provide direct assistance to those needing help with applications. Prior to the July 19, 2010 SBA Disaster Loan Outreach Center's opening in Shelby County at the Millington Civic Center on 8077 Wilkinsville Road in Millington, local media outlets were utilized to make sure the public was aware of the Outreach Center's Opening and its 8:00 a.m. through 5:00 p.m. daily hours of operation Monday through Friday.

Volunteer organizations, Code Enforcement and the City of Millington rallied support for those whose homes were damaged by the floods to insure that all individuals received the necessary help for repairs.

Additionally, Shelby County and the Shelby County Assessor of Property sought legislation to provide tax relief on property that was damaged due to the floods. New legislation allowed the Assessor to reduce qualifying property owners' assessments on both real property buildings and improvements and business tangible personal property that was destroyed or substantially damaged as a result of the floods. Information on the availability

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of this program was distributed to residents of the community and was available on the Shelby County Assessor's web page.

Similarly, information relevant to assistance was made available at web pages of the Memphis and Shelby County EMA Office, the Shelby County website, the websites of local governments impacted by the disaster, and various local media outlets. Finally, Shelby County's Department of Housing requested waivers of HOME and CDBG requirements in order to better serve residents who might be seeking assistance with home repairs resulting from the storms and floods.

Plan Amendment Development

The Shelby County Department of Housing took the lead roll on behalf of Shelby County Government and Urban County partners in developing the activities discussed in this Action Plan Amendment. After notification of potential funding and several telephone conferences with HUD and other recipients of CDBG Disaster funds, the Department began the process of researching the needs still in existence from the May 2010 disaster. During the course of this research information was pulled together from filings with FEMA for federal assistance, local documentation of disaster related expenditures and data on areas where flooding occurred. Much of this information was used to secure appropriate waivers allowing for the use of CDBG funds under the May 4, 2010 Disaster Declaration.

Additionally, the Department discussed the effects of the disaster with the Memphis/Shelby County EMA, Shelby County Fire Department, Shelby County Support Services, Shelby County Engineering, the Mayor of Millington whose community was drastically affected by the floods, the Millington Engineer and other local municipal planners and engineers, as well as others with knowledge of relief efforts related to the disaster. This coordination and research found that the disaster was the result of local areas not being able to accommodate the volume of storm water generated during the storm system.

These meetings and discussions resulted in the proposed activities described in the initial Action Plan as well as this Amendment to the Action Plan which are together designed to rehabilitate and repair owner-occupied housing damaged as a result of the disaster, to mitigate future floods of this magnitude and to assist in reimbursing for certain costs related to disaster relief efforts.

Entity Administering the Funds

The Shelby County Department of Housing (SCDH), a department of Shelby County Government, will be the entity administering the CDBG Disaster Recovery Funds. As the primary organization responsible for the administration of funds, implementation of projects and programs, and the expenditure of this allocation, SCDH will coordinate efforts and activities within the areas impacted by the disaster. This coordination will involve the administration and delivery of all CDBG Disaster Recovery Funds, as well as coordinating the activities assisted with these funds with the various governments and departments who

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will benefit from these expenditures (i.e. Arlington and/or Millington). SCDH operates under the direct authority of the Mayor of Shelby County and will continue to receive and benefit from advice and input from the Urban County Consortium.

Shelby County Government will contract with the respective municipalities to implement Disaster Recovery activities in their communities. In the event that additional amendments to this plan become necessary, Shelby County's Department of Housing will coordinate the amendment efforts and insure that all required procedures are in compliance with Federal Regulations and local CDBG related policies and procedures. Additionally, the Shelby County Department of Housing will directly administer and/or deliver housing rehabilitation and repair activities associated with disaster recovery. In conclusion, the Mayor of Shelby County, representing the Urban County Entitlement Area as a whole, will have final approval of all expenditures.

Steps Shelby County Will Take to Avoid or Mitigate Occurrences of Fraud, Abuse, and Mismanagement

1. Administration and Staffing

The Shelby County Department of Housing (SCDH) has been designated by Shelby County Mayor Mark H. Luttrell, Jr. as the administrator of Shelby County's allocation of Community Development Block Grant Disaster Recovery Funding. Further, SCDH will provide technical assistance to local government grant recipients and undertake administrative and monitoring activities to ensure compliance with applicable federal requirements.

As required by federal regulation, Shelby County will monitor costs and expenses for the proposed projects, and will work with the recipients of the disaster funds to ensure that program requirements, including non-duplication of benefits, are met and that continual quality assurance is achieved. In the event that accusations of fraud or abuse are alleged, Shelby County will conduct investigations into those cases of fraud and abuse by utilizing its standard monitoring procedures and financial review of those instances where suspect. Upon review of findings and after working with recipients to establish the validity of questioned costs and subsequent disallowance, Shelby County will request repayment from the recipient(s).

2. Increasing Capacity at Local Level

For activities associated with the infrastructure restoration pool and reimbursement for clearance and debris removal Shelby County will be contracting with local municipal governments to carry out the projects. The Department of Housing has been working with these local governments since 1992 when Shelby County became an Urban County and began receiving CDBG funding. During the implementation of previous CDBG Action Plans and the execution of eligible CDBG activities and projects, the Department of Housing has provided training on the requirements of CDBG regulations and worked closely to insure that all program requirements were/are met. The Department will continue

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these activities during the expenditure of this special allocation. Finally, the Department of Housing will be directly involved in the monitoring of each activity and will provide direct assistance to those involved as it pertains to Environmental Reviews, Davis-Bacon Regulations, and project implementation.

3. Prevention of Duplication of Benefits

In all events, Shelby County will coordinate with local governments, FEMA, the SBA and other lending institutions as necessary to collect and share information regarding the recipients of our assistance so that SBA or other lending institutions can reduce their loan to the recipient if necessary and appropriate. In the event of housing assistance activities, Shelby County will work with FEMA and the SBA to collect recipient data in order to avoid duplication of benefits. All recipients will itemize costs and provide budgets and cost estimates to Shelby County itemizing funds received and the origin of said funds.

4. National Objective

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need, or primarily benefit LMI persons). At least 50% of the Supplemental Funding will be used for activities that meet the National Objective of primarily benefiting persons of low- and moderate-income.

5. Administrative Costs

All recipients of funds under this plan are strongly encouraged to minimize their administrative costs so that the amount available for program activities will be maximized. To promote this goal, the Department of Housing will insure that all contracted project costs are directly utilized for project implementation. The Department of Housing does not anticipate utilizing more than 5% of the allocation for direct administrative costs.

6. Program Changes through Contract Amendments

All local municipalities receiving funds will be encouraged to carefully plan projects that meet the stated requirements and to specify activities, associated costs, and proposed accomplishments and beneficiaries in order to reduce the need for amending contracts. Local recipients of funds should contact the Department of Housing prior to requesting an amendment or contract modification that affects the budget, activities, beneficiaries, or time frame for accomplishing the proposed activities. Should a proposed amendment result in the need for modification of the Action Plan, Shelby County will follow the process required by HUD for amending the Action Plan. Substantial amendments may be cause to review the entire project as submitted to determine if the project is meeting its stated goals and timelines.

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7. Documentation

The use of the disaster funding is contingent upon certain requirements, and Shelby County insures that all recipients of funding, including local government will be expected to certify that these requirements will be met or carried out. All recipients of funding, including the chief elected official (or designee authorized by the local governing authority of the local government utilizing funds), will be required to certify in writing that the grant will be carried out in accordance with applicable laws and regulations. In addition, local governments will be required to submit or maintain documentation that fully supports the application that is submitted to the Department. Failure to document that the project is needed as a result of the disaster(s), or the repair/restoration of the area post-flood, will result in a project being declared ineligible. If this discovery is made after an award has been made, the contract with the local government may be terminated and the local government may have to repay any funds received to that point.

8. Reporting

Each awarded applicant must report on a form provided by the Department on the status of the activities undertaken and the funds drawn. Additional reporting requirements (i.e., annual audits, contractual obligations and minority business enterprise reports, as applicable) will be specified in the Department's contractual agreement. Some recipients may be asked to report using the online Disaster Recovery Grant Reporting system. The timing and form of the reporting will be different for different activities. At each quarter, Shelby County will collect data from the projects and/or recipients for reporting in the DRGR system. Local governments using funds for the proposed infrastructure programs will report progress along with their requests for draws of disaster funding. Current abilities to track other progress on these projects include monitoring costs for any Engineering and/or Architectural costs and percent completion of the project as documented in progress reports.

9. Citizen Complaints

All recipients of funding must establish procedures for responding to citizens' complaints regarding activities carried out utilizing these funds. Citizens will be provided with an appropriate address, phone number, and times during which they may submit such complaints. Funding recipients should provide a written response to every citizen complaint within 15 working days of the complaint. When necessary, Shelby County will be the final arbitrator in these matters.

10. Regulatory Requirements

Shelby County will enter into contracts with all recipients of disaster funding and will include the appropriate language in all agreements to insure that recipients comply with fair housing, nondiscrimination, labor standards, and environmental requirements applicable to the CDBG Program.

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Addressing/Preventing Homelessness Associated With the Disaster

In its CDBG Annual Plan, Shelby County's Department of Housing lists homeless efforts in the Urban County service area as a low priority. This is primarily due to the fact that in almost all instances, homeless individuals gravitate into the City of Memphis who directly receives funding to support homeless activities. Also, homeless services and service agencies tend to be located within the urban boundaries of the City of Memphis. However, Shelby County has traditionally coordinated with the City of Memphis on homeless issues. In conjunction with the City's efforts, the Shelby County Community Services Agency (CSA) also operates an assistance program to assist residents experiencing homelessness. The coordination between local entities can be seen in the response to the 2010 Disaster.

As a result of the disaster which occurred in May 2010, local governments and agencies worked closely together to focus on serving citizens and residents directly affected by the disaster to remove barriers to housing experienced by the flood damage. Shelby County EOC, the Shelby County Housing Authority, the Millington Housing Authority, the Town of Millington, the local Red Cross, and others reacted quickly to insure that housing needs were addressed.

Temporary shelters were set-up to insure that emergency shelter and transitional housing needs were met for those who were forced to evacuate their homes or were experiencing homelessness as a result of major damage to their homes. In coordination with local officials, the Red Cross established as many as 5 shelters throughout the community to respond to these needs. Each homeless person affected by the flood was offered temporary emergency shelter through these Red Cross Shelters as they were established. In addition, Shelby County and the Shelby County Housing Authority met with individuals forced to evacuate their homes to assess their need for shelter, provide client counseling and coordinate relocation efforts for those individuals/families who would not (or could not) return to their homes for extended periods of time.

In further efforts to assist with housing issues resulting from the disaster, Shelby County and other local governments and agencies immediately began coordinating housing efforts to assist residents. Working with FEMA, TEMA, the SBA, other local governments, the Red Cross and numerous agencies; outreach efforts focusing on housing assistance, emotional counseling, available assistance to individuals and families, and service referrals quickly began. For example, Service Centers were created to assist with issues affected residents were dealing with in the aftermath of the disaster; web pages were created to provide residents with information on where to go for assistance, and temporary client intake sites were established to make residents aware of available assistance in seeking housing, coping with the flood's impact and securing financial assistance to assist with the financial burden of the flood. To compliment these efforts, public meetings were held in Millington and Bartlett to assist residents with the application process for loans from FEMA and the SBA and to provide direct assistance to those needing help with applications.

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Finally, other efforts to prevent individuals from becoming homeless as a result of the disaster included public awareness campaigns to insure citizens were aware of the Disaster Outreach Centers following the storms; expanded web pages for the Memphis and Shelby County EMA Office, the Shelby County Government website, and websites of local governments impacted by the disaster, and various local media outlets; changes in legislation to provide tax relief on property that was damaged due to the floods; requests for waivers of HOME and CDBG requirements in order to better serve residents who might be seeking assistance with home repairs resulting from the storms and floods.

At this time, Shelby County has not identified any individuals still experiencing homelessness as a result of the May 2010 disaster. However, as proposed projects move forward and outreach efforts continue to make individuals aware of housing assistance available from the CDBG Disaster Allocation, Shelby County will continue to work with other governments and agencies within the service area to identify individuals who may still be in a homeless situation. In the event that any individuals are identified, individuals will receive assistance in accessing current homeless services being provided by local government, public service agencies, and non-profits within the community. Finally, in the event that it becomes evident that there is a direct need for assistance to homeless individuals, Shelby County will review the proposed projects listed in this Action Plan and if necessary will make amendments to the Action Plan to provide services to these individuals who are still experiencing problems as a result of the disaster.

Citizen Participation

A draft of this Amendment to the Disaster Recovery Plan is being made available for public review from March 23, 2011 through March 29, 2011. The draft of this amendment is being made available on the Shelby County Government website at www.shelbycountyttn.gov and Urban County Municipal partners were provided with the link along with an invitation to comment.

Those wishing to comment are invited to e-mail their comments to Mr. Scott Walkup at the following e-mail address: scott.walkup@shelbycountyttn.gov or to mail their comments to Mr. Walkup at Shelby County Department of Housing, 1075 Mullins Station Road, Memphis, Tennessee 38134. Those requesting additional information are invited to call Mr. Jim Vazquez or Mr. Scott Walkup with the Shelby County Department of Housing at (901) 379-7100. For Spanish-speaking members of the community, the following statement is being included in the Amendment to the Disaster Recovery Draft Plan in the footer on all pages, as well in the website and newspaper notices: "Para mas información en Español, por favor llame al 901-545-4265."

Displacement Plan

Shelby County will seek to minimize displacement as a result of activities assisted with CDBG Disaster Recovery Funds under the Plan and this Amendment. SCDH does not anticipate any activities proposed in the plan or this amendment will cause displacement,

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however SCDH will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and has in effect and will follow its residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs, including those activities assisted with CDBG Disaster Recovery Funds.

Amendments to the Plan including the Plan as Amended

As described in the 2010 Disaster Recovery Action Plan, the following events would continue to require a substantial amendment to the 2010 Disaster Recovery Action Plan as Amended:

1. Addition or deletion of any eligible activity described in the Plan which is in excess of \$20,000.00; and
2. A 20 percent increase in an activity when the allocated budget for the activity is in excess of \$100,000.00, the funds for the increase come from a different eligible activity, and the transfer of funds alters the reduced project in scope or service level.

SCDH does not regard the following as a substantial amendment:

The increase and/or decrease in the funding level of one or more activities or projects among activities within the 2010 Disaster Recovery Action Plan, provided that the transfer of funds between activities/projects does not result in the cancellation of an activity nor does the transfer of funds result in alteration of an activity or activities in a manner that conflicts with the activities outlined in the Disaster Recovery Action Plan. This provision is not to be construed as allowing the general administrative budget to exceed the allowable limit.

Proposed Substantial Amendments to the 2010 Disaster Recovery Action Plan as Amended, if any, will be published on the Shelby County Government website (www.shelbycountyttn.gov), emailed to Urban County Consortium representatives from all effected communities, and will provide for a seven day public comment period. All comments will be considered and responded to in writing within ten business days of receipt.

Proposed Activities

In consultation with the municipal members of the Urban County Consortium and in consultation with Shelby County Public Works and Emergency Management officials, the Community Development activities described below have been identified as high priorities solely for necessary expenses related to disaster relief and long-term recovery in areas

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affected by severe storms and flooding that occurred beginning April 30, 2010, for which the President declared a major disaster.

Activity 1. Owner-Occupied Housing Rehabilitation and Repair

- (1) Disaster Plan Goal: Rehabilitation and repair of owner-occupied low- and moderate-income housing damaged as a result of the disaster
- (2) Objective: Provide Decent Housing
- (3) Outcome: Affordability
- (4) Disaster Plan Priority: Rehabilitation, Single-unit Residential (570.202(a))
- (5) Budgeted Amount: \$1,100,000.00
- (6) Proposed accomplishment: Repair and rehabilitation of 66 single-family units damaged by the disaster.
- (7) Location: Shelby County, primarily in and around Millington
- (8) CDBG National Objective: Activities benefiting low- and moderate-income persons (570.208(a)(1))

During the flooding that occurred on May 1, 2010 through May 2, 2010, numerous homes in Shelby County sustained varying levels of water and related storm and flood damage. Based on windshield surveys carried out between May 3, and May 4, 2010 following the storm front which resulted in the disaster declaration, a total of 421 housing units were in some way impacted by winds, rains, and floods. Based on surveys, this can be further broken down as follows: 104 housing units were affected with 10% damage to the unit, 133 housing units suffered minor damage (25% of the structure), 121 housing units suffered major damage (50% of the structure), 63 housing units suffered 100% damage and were listed as destroyed. In addition, 230 apartment units suffered 10% or less in damages associated with the storm front. The majority of these units were located in (and immediately surrounding) the Town of Millington.

In efforts to further identify the current status and impact, Shelby County Housing staff met with representatives from the Town of Millington to discuss the current situation as it relates to the housing situation in and around the Town and found that although there were a number of units listed as destroyed, no one at this time is still displaced and/or homeless as a result of the floods. Immediately after the event, Millington Officials, the Shelby County Mayor's Office, the Shelby County Office of Preparedness (which includes Homeland Security (HLS) and EMA), activated the Emergency Operations Center (EOC) and other governmental and non-profit agencies met to address needs that were the result of the disaster. These agencies, along with a number of volunteer agencies, churches, and local businesses worked together to coordinate repair, relocation, and temporary housing for individuals impacted by the storm. Additional close coordination with FEMA, SBA, insurance companies and others resulted in quick financial assistance and donated services to families whose housing was impacted by the disaster.

At this time, it is anticipated that despite these efforts, there are still some housing units that are experiencing problems directly associated with damages from the storm. This

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activity will provide concerted outreach and delivery efforts, and ultimately housing repair assistance to households/housing units who are still experiencing problems in the aftermath of the storm.

The \$1,100,000.00 set aside for this activity is anticipated to provide \$1,000,000.00 in direct rehabilitation assistance to homeowners still suffering various degrees of damage due to wind, flooding, or other causes created by the storm system. The additional \$100,000.00 set aside for this activity will be used for program delivery costs related to outreach/client enrollment efforts, housing inspections to verify damage, development of rehabilitation specifications as necessary and inspections of each unit to insure that repairs are correct, complete and in compliance with local Shelby County Building Codes.

Rehabilitation assistance for each unit enrolled under this activity will follow the current rehabilitation policies and procedures utilized by the Shelby County Department of Housing for its current CDBG Rehabilitation Program with the exception that the disaster funds will only address items that can be directly linked to the current disaster declaration. Based on anticipated rehabilitation costs, it is estimated that around 66 housing units will receive assistance under this activity (an average of \$15,000.00 per unit of assistance). The actual service number may be higher or lower as applications for assistance are received and costs verified.

Activity 2. Reimbursement to local governments for un-reimbursed debris removal and clearance expenses related to the 2010 Disaster.

- (1) Disaster Plan Goal: Reimbursement of clearance costs incurred as a result of the disaster, and
- (2) Objective: Suitable Living Environment
- (3) Outcome: Sustainability
- (4) Disaster Plan Priority: Clearance Activities (570.201(d))
- (5) Budgeted Amount: \$300,000.00
- (6) Proposed accomplishment: Reimbursement for debris removal costs, including program delivery costs which were a part and parcel of disaster relief efforts.
- (7) Location: Shelby County
- (8) CDBG National Objective: Activities benefiting low- and moderate-income persons (570.208(a)(1))

During the flooding that occurred on May 1, 2010 through May 2, 2010, flood waters and high winds brought down trees, flood local communities, caused damages to local housing and resulted in damages that required local governments to directly respond to unanticipated events which resulted in the local expenditure of funds for clean-up. These activities resulted in costs and expenditures necessary to address the devastation resulting from the disaster itself. While Shelby County, the Town of Millington, the Town of Arlington and others sought assistance for reimbursement of these unanticipated and unfunded costs from FEMA, the SBA, and other agencies, not all costs were actually recoverable resulting in

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shortfalls to cover all local expenditures for disaster response and recovery. This activity will utilize approximately \$300,000.00 to provide for the reimbursement of debris removal and clearance costs directly related to the Disaster and the Disaster Declaration.

All reimbursements and/or expenditures under this activity will be fully documented to clearly show any prior federal and or state funding utilized to address and respond to the disaster itself in the days that followed. Additionally, Shelby County will closely coordinate all reimbursement activities with the U.S. Department of Housing and Urban Development and specifically with the U.S. Department of Housing's Knoxville Field Office to insure that funds utilized for reimbursement under this activity are both eligible and appropriate.

Activity 3. Infrastructure Restoration and Improvement Pool

- (1) Disaster Plan Goal: Restoration and improvement of infrastructure in areas affected by the disaster
- (2) Objective: Suitable living environment
- (3) Outcome: Sustainability
- (4) Disaster Plan Priority: Flood Drain Improvements (570.201(c)) and other eligible activities
- (5) Budgeted Amount: \$1,000,321.00
- (6) Proposed accomplishment: Restoration or infrastructure damaged as a result of the disaster and prevention of future flooding through mitigation with the design and construction of flood relief improvements
- (7) Location: Areas of Shelby County affected by the flood
- (8) CDBG National Objective: Activities benefiting low- and moderate-income persons (570.208(a)(1))

During the May disaster, the area in Millington was one of the hardest hit portions of Shelby County, followed by areas within the Town of Arlington, unincorporated Shelby County and other municipalities. The previously submitted Annual Plan for use of CDBG Disaster Funding identified high priority projects within these communities for projects that would address flooding associated with the Disaster and provide for direct mitigation to prevent such an event from occurring again in the future. This activity will continue to address these same types of issues in order to insure that flooding of this nature within these areas is addressed to prevent a recurring event.

This increased level of funding will be used to offset any unanticipated costs associated with expenditures identified in the original approved plan (Emergency Flood Relief Pumping Station in Millington, Upper Newport Drainage Channel Improvements in Millington, Douglas Park and Town Hall Detention Basins in Arlington, and the Arlington Developmental Center (ADC) Detention Basin. (While these original projects contained cost estimates to address the activities is possible that actual costs could exceed those figures. In that event, some of the funds from this activity may be used to insure that the projects are fully funded.)

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In addition to these previously proposed activities, a number of other flood mitigation activities are still necessary to address the flooding that occurred during the disaster itself. Many needed mitigation and repair efforts that are directly related to the aftermath of the storm front and/or are needed to provide notification and safety measures to residents within the disaster areas range from \$25,000.00 to \$450,000.00 in estimated costs at this time.

These mitigation efforts include (but are not limited to) activities such as an Emergency Power Backup System for Millington City Hall and Fire Station #1 which was located within the flood impact area, the repair of Sanitary Sewer Systems where the May 2010 flooding created sinkholes along the interceptor system, Bank Stabilization and Channel Improvements along the Royster, North Fork, Casper and Big Creek drainage canals to improve canal functionality and prevent future flooding within existing neighborhoods, the installation of emergency warning devices along the eastern and western edges of the Town of Millington which were impacted by the storm front and are not currently covered by warning sirens/systems, drainage improvements along Navy Road in Millington which currently cannot accommodate storm water runoff of the magnitude experienced during the 2010 event, the removal of silt from existing drainage pipes throughout portions of the Town of Millington which is the result of the disaster, and other such activities that resulted from the storm front that hit the area in 2010.

At this time, funding from sources such as FEMA, SBA, etc. are being sought to assist with all or parts of many of the projects outlined above. The accessibility of such funds will have an impact on many of these mitigation activities. Because of this, funds designated for use from the CDBG Disaster funds as outlined in this pool will be utilized to either fund or supplement activities such as those described above based on need within the local area, availability of funds to complete each activity in full, and by the area of impact based on low to moderate income level of the residents impacted by the activity. Detailed information on population, income, service area, and outcome of each activity will be collected on each specific project funded under this activity.

Anticipated service areas for the use of these funds on a general basis include: portions of the Town of Millington located within First Street on the North, Paul Barret Parkway on the South, the Canadian Railroad on the East and Highway 51 on the West; portions of the Town of Arlington, portions of unincorporated Shelby County, and/or other locations impacted by the disaster.

Activity 4. Administration

- (1) Disaster Plan Goal: Not applicable
- (2) Objective: Not applicable
- (3) Outcome: Not applicable
- (4) Disaster Plan Priority: Program Administration (570.206)
- (5) Budgeted Amount: \$126,321.00
- (6) Proposed accomplishment: Not applicable

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CERTIFICATIONS

- A. The grantee certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within its jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (*See* 24 CFR 570.487(b)(2).)
- B. The grantee certifies that it has in effect and is following a residential antidisplacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- C. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.
- D. The grantee certifies that the Action Plan for Disaster Recovery is authorized under State and local law and that the grantee, and any entity or entities designated by the State, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.
- E. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- F. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- G. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each unit of local government receiving assistance from the grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- H. Each State receiving a direct award under this Notice certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the State in determining the method of distribution of funding.
- I. The grantee certifies that it is complying with each of the following criteria:
- (1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic

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revitalization in areas affected by severe storms and flooding that occurred between March and May, 2010, for which the President declared a major disaster covering an entire State, or States with more than 20 counties declared major disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et seq.*).

- (2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
- (3) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.
- (4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - (A) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or
 - (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

J. The grantee certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.

K. The grantee certifies that it has and that it will require UGLGs that receive grant funds to certify that they have adopted and are enforcing:

- (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

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- (2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

L. Each State receiving a direct award under this Notice certifies that each State grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the State has a plan to increase the capacity of any State grant recipient or administering entity that lacks such capacity.

M. The grantee certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part 55.

N. The grantee certifies that it will comply with applicable laws.

Signature/Authorized Official

Date

Mayor of Shelby County, Tennessee

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